

TELL

A MANUAL

THE

ON FAKE NEWS

TRUTH

ECPYOUTH
EUROPEAN CHRISTIAN POLITICAL YOUTH

WORKING GROUP POLITICS REPORT

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Why is it important that Christian politics takes a stand against fake news?

Talking about fake news, we should understand that Christians can neither create, nor adopt and distribute such information. The main reason is that fake news is a lie. The Holy Bible, both in the New and Old Testaments, teaches us to avoid lie and to be trustful and honest.

The Bible preaches us not to make false statements to one another (Col. 3:8-10). It's not optional. It is one of the 10 commandments that teaches us that we must not give false evidence against our neighbor. And creating fake news is a kind of false evidence against political, social or economic life.

Through the Bible we know, that the false lips are hated by the Lord, but those whose acts are true are his delight. (Proverbs 12:22). Moreover, the worker of deceit will not come into Lord's house and will have no place before His eyes. (Psalms 101:7). He will be destructed and punished (Proverbs 19:5), since the men of deceit are hated by the Lord. (Psalms 5:6).

We should always remember who created lie. That was the Evil One who "is false and the father of what is false" (John 8:44). Meanwhile, Jesus is the truth (John 14:6), that leads us to our real Father. And when somebody decides to create or distribute fake news, he or she should think over which side he or she wants to take.

Fake news is a larger tool in wrong and evil influences, and hurts real people and societies. History is full of the examples of fake news that has helped even to start the wars. And in 2019 we commemorate the 80th anniversary of the beginning of the WWII. When Nazis started invasion in Poland on September 1, 1939 they stated that there had been Polish troops who started to shoot.

And even though if we are not afraid of God and His will, we should remember that nothing is secret of which the knowledge will not come to light (Luke 8:17). And every fake news will sooner or later become uncovered. And there were many governments and state leaders who even lost their positions because they used to lie before. Even though some of them were good people, fake news made them to resign.

Nevertheless humans are fallible and sinful, we should fight for and stand for truth. We should be like the Disciples of Christ who were strong enough to describe the truth as it was with all ups and downs. And we as Christians should also follow their example, since we know that truth will make us free (John 8:32).

So, as we can see fake news is a wrong way for Christians to come into political life and to use them, even in order to reach good intentions.

By using fake news we would become like a foolish man who made his house on sand. And the truth will come down like a rain in the Bible and destroy our ideas, countries, parties or communities.

And by avoiding fake news we will be like a wise man who made his house on a rock. And no rain or rush of waters will destroy or even move that house (Matthew 7:24-29).

The house on fake basement doesn't stand, but the truth is something to build on. If we work and live together and deal with each other, then that should be on a fundament of truth. And Christian politics should be open and honest, it should not deceive or manipulate people.

And if we use fake news and try to manipulate others, will we still be real Christians, that should be the light of the world and the salt of the earth? We should be the ones who can show the example for the rest.

Types of fake news

Generally speaking the term “fake news” has been a subject of several scientific or quasi-scientific works. The most wide-spread definition of that was given by Allcott and Gentzkow in 2017¹. It is defined as “news articles, videos and pictures that are intentionally and verifiably false and could mislead readers”.

Fake news cannot be regarded as a homogenous sociological, media and political phenomenon. Therefore, it seems crucial to define it as well as differentiate between respective types of fake news in order to better and more deeply understand complexity and, to some extent, ambiguity of this term.

The aim of this work is not to convey a closed, complete classification of fake news but rather to present a typology based on recent studies and papers on this subject. There are many motivations for spreading fake news, but as the most common should be regarded the financial and ideological. Fake news as such, according to the definition of Wardle (2017), is the deliberate creation and sharing of information known to be false.²

What needs to be highlighted is the fact that more and more frequently the term ‘fake news’ is being replaced in academic papers by misinformation and disinformation or by remarkably general term “information disorder” . The reason lies in inadequacy of the term ‘fake news’ for explaining the scale of information pollution. Moreover, the term is inherently vulnerable to being politicized and deployed as a weapon against the news industry. Based on Allcott and Gentzkow as well as Wardle definitions of fake news it seems that disinformation is the most accurate alternative since, in contrast to misinformation, it is a false information which is intended to mislead. Regardless of academic disputes, awareness of particular displays of the phenomenon may additionally lead to its better understanding.

Propaganda

Due to constantly increasing significance of propaganda in recent years, it seems aimful to begin the analysis with this kind of the fake news. This social phenomenon had its origins in ancient times – thus we can state that propaganda is as old as the mankind. As wrote Aeschylus in his trilogy „Oresteia“: „The first casualty when war comes is truth.” We can define propaganda in context of fake news as the information provided and spread in order to affect political perceptions of the society.

It is out of question that this fake news is based on facts but of course they promote a given country, idea, concept or even person. Sometimes these pieces of news describe real events –

¹ Allcott, H., & Gentzkow, M. (2017). Social Media and Fake News in the 2016 Election. *Journal of Economic Perspectives*, 31(2), 211-236. doi:10.1257/jep.31.2.211

² Wardl C. 2017. “Fake News.” It’s Complicated.

<https://medium.com/1st-draft/fake-news-its-complicated-d0f773766c79>.

but simultaneously emphasize excessively demerits and disadvantages of reported facts. This kind of fake news is ubiquitous worldwide – especially in countries with democratic deficits such as Russia (especially connected with the War in Donbass) or Middle Eastern countries (concerning for instance the Syrian Civil War).

News fabrication

This kind of fake news became very popular in last few years. In this case producers of fake news have a very strong intention to misinform the reader or viewer. The main way of distributing it are blogs, social media or videos. Undoubtedly, these pieces of news must be perceived as reliable and bear a striking resemblance to the reality and are often connected with some political context. Hence, they are easily shared by users of social media and spread on the net with an extremely high speed. Unfortunately, implications of this kind of fake news for the society are compounded by the fact that sharing fake news could be lucrative for their authors. Briefly speaking, the more the given link or video is clicked, the more money was transferred to the producer of the untrue information. It is also observed that news is also fabricated by news bots which create them automatically and give the reader or viewer an impression that this nonsensical information is credible and widely spread. The best example of news fabrication is fake news about candidates in the 2016 United States presidential election (the most notorious were news about ostensible pedophilia of Hillary Clinton, and the fact that Pope Francis endorsed Donald Trump in the election.³)

News satire and parody

The last group of fake news integrates satire and parody, which can be expressed by videos, texts, posts on social media etc. These subgroups differ a little bit from one another: namely news parody is more direct and to a bigger extent. The main objective of this information is to amuse the reader/viewer by showing them the nonsense and ludicrousness of some real news. Alas sometimes it is quite problematic to discriminate between parody and real news. As long as it does not detrimentally affect our lives, we should accept the news satire as an approvable way of joking. One of the most famous examples of news satire was a false video on which Pope Francis manages to do the famous stunt with tablecloth: he whisks it whisked a tablecloth from atop an altar without disturbing the latter's contents . In fact, it was a pure photomontage

False Connection

When visuals, headlines or captions do not support the content, it means we are dealing with false connection. The most common example of this type of content is clickbait headline. With the increased competition for audience attention, editors increasingly write headlines to attract clicks, even at the cost of misleading recipients. This can also happen when visuals or captions

³ Allcott, H., & Gentzkow, M. (2017). Social Media and Fake News in the 2016 Election. *Journal of Economic Perspectives*, 31(2), 211-236. doi:10.1257/jep.31.2.211

promoting a story do not actually match up with the content, which is frequent practice on sites like Facebook, in order to give a certain impression, which is not backed up by the text. Scrolling the content without clicking through to articles (which often happens), may intensify the effect of deception. An example of false connection in a form of clickbait is a video published on 5th February 2018 on 21centurywire.com named “UK COLUMN: Fake Russian Plots, Fake Syrian Chemical Attacks, Freemason Journalists in Parliament”.

Pseudoscience

Pseudoscience consists of statements, beliefs, or practices that are claimed to be both scientific and factual, but are incompatible with the scientific method. This type of fake news has one of the greatest impact on its recipients as the public strongly believes that science has been beneficial for human civilization. Moreover, scientists themselves are held in high regard.⁴ Topics that relate to pseudoscience concern i.a. anti-vaccination movement and climate change denial.

Imposter content

The last category of fake news presented herein shares similarities with fabricated news and involves frequent use of web addresses that are subtle variations of well-known news websites. For example, instead of CNN.com, websites may use a different top-level domain, such as CNN.com.co or CNN.website. A widely-discussed example of imposter content were news published before Kenyan presidential elections in 2017, when BBC Africa found out that someone had created a content with a photoshopped BBC logo in which circulated false polling data.⁵

⁴ NORC at the University of Chicago, *General Social Survey (2008–16)*.

⁵ [1] BBC, *Kenya election: Fake CNN and BBC news reports circulate*, <https://www.bbc.com/news/world-africa-40762796>, access: 18.06.2019

Effects of fake news

There are various effects of fake news, and these tie in directly to societal goals and the private motives for doing so. In general, the uses are privately making money on news that is more spectacular than real news, influencing public debate and choice, decreasing trust in media specifically, and further general destabilizing and undermining efforts

Fake news as a business model

In the era of online news that is spread easily and quickly, there is a multiplicity of sources which makes control and overview harder. The same online media industry is based on sponsorship or payment by clicks, advert revenue and general measures of popularity.⁶ There is a possibility of spreading fake news just because it gathers more attention and more revenue than real news. People may be attracted to news that is more sensational or more inflated than accurate news, or completely fictitious for the aforementioned reasons. This effect is closely related to the phenomenon of clickbait, or news that is there purely for the clicks, and thus turns the public goal of informing to the private goal of profiting.⁷ This is a private motive or incentive for people to spread fake news. It does not particularly take into account public effects, but is a clear private effect that also forms incentives. There are clear beneficiaries of writing fake news as an easy job or side job, both near the source of the news, as well as completely at a distance.⁸

Influencing elections

People are highly influenced by information they see and receive, and this is crucial during elections, as affirmed by research that specifically looks at misinformation in elections.⁹ In elections civil society and political candidates need to be able to say a lot to discuss a breadth of issues, but in this the effect of fake news is also increasing. There is an eternal dilemma in how far you can go with free speech as a civil and political right, and starting at which type of harmful or wrong information censorship would be possible. There are a few trends with respect to fake news in elections that here will be grouped by intent. They can be information about scandals around what a person says or does to discredit a candidate, false campaign promises that make a candidate more popular, and information that sows distrust and is meant to cause general aversion in politics and lead to lower turnout. Together fake news and specific targeting around elections is a serious limit or harm to democracy, as there is wrong information with an

⁶ Allcott, H., & Gentzkow, M. (2017). Social Media and Fake News in the 2016 Election. *Journal of Economic Perspectives*, 31(2), 211-236. doi:10.1257/jep.31.2.211

⁷ Cooke, N. (2017, July 1). Posttruth, Truthiness, and Alternative Facts: Information Behavior and Critical Information Consumption for a new age. *The Library Quarterly*, 87(3), 211-221. doi:10.1086/692298

⁸ Subramanian, S. (2017, Februar 15). *Inside the Macedonian Fake-News Complex*. Retrieved from Wired: <https://www.wired.com/2017/02/veles-macedonia-fake-news/>

⁹ Sellers, J. (2018). Legislating against lying in Campaigns and Elections. *Oklahoma Law Review*, 71(1), 141-165.

effect on people like advertising intends to convince, and that is targeted at people using their personal data.¹⁰ All of these factors are either down to a personal choice, the allowed influencing efforts that are campaigns, or sociological factors that determine voting, but if this is done by fake news it is clearly wrong. The aforementioned factors are known to influence voting behaviour, but for this factor to do so in the short run and do so covertly is dangerous to the integrity of our democracy.

Influencing public discussions

There are a lot of public debates in person and via various mediums, and in these people posit certain opinions and use facts to base themselves on. This requires sound and clean information, and in that fake news muddies the waters. Our societal dialogue is at influences our social relations, our world view and our public actions, so for this to dialogue to be skewed by misinformation is undesirable, but can happen. Examples of this are plentiful, as wrong articles on vaccines have been written, diagnosed as wrong and retracted, but are now still actively being propagated on social media to influence the discussion in the wrong direction. General use in undermining and destabilizing efforts.

There is a general effect of fake news, which is also known and used by perpetrators, that aids destabilization and undermining efforts. Influencing what people talk about also means influencing how they might reason and act, and what is on the political agenda. This means that the effect of fake news is a knock-on effect, and at certain instances we can see it being used to discredit institutions. In this sense fake news is part of a broader increase in distrust of various institutions.¹¹ There are various covert and overt influences involving fake news which increase this distrust and make use of the distrust. We know there are articles of fake news that are meant to be under the radar and operate as regular news, but this partial presence of fake news, which is taken as granted, means there can be disavowal of some news as fake news. We see this rather clearly in a matter where truth was very important, but being undermined. In this case Assad is being confronted with evidence of gas attacks and dismisses it as fake news, and claiming that anything can be forged and presented.¹² Another dangerous effect we see is the presence and wrongful discussion of fake news leading to mistrust in the media industry as a whole. The characteristic example of this is the US president calling out unfavourable press coverage as fake news, and beyond that this was taken up in general criticism and

¹⁰ Heawood, J. (2018). Pseudo-public political speech: Democratic implications of the Cambridge Analytica scandal. *Information Polity*, 23(4), 429-434. doi:10.3233/IP-180009

¹¹ J.-B. Jeangène Vilmer, A. Escorcía, M. Guillaume, J. Herrera, Information Manipulation: A Challenge for Our Democracies, report by the Policy Planning Staff (CAPS) of the Ministry for Europe and Foreign Affairs and the Institute for Strategic Research (IRSEM) of the Ministry for the Armed Forces, Paris, August 2018.

¹² Feldscher, K. (2017, February 10). *Assad: Torture report part of the 'fake news era'*. Retrieved from Washington Examiner: <https://www.washingtonexaminer.com/assad-torture-report-part-of-the-fake-news-era>

de-legitimation of the press.¹³ Fake news does not exclusively occur in election times and can otherwise be used to make public debates more tense and aggravate people. This in combination with targeting allows you to find emotional triggers. Thus, its methods of writing and spreading information provide a tool to manipulate, and in the wrong hands that means undermine and destabilize.

Effects for the journalism industry

As discussed above fake news decreases the trust between people and in institutions, and a special role here is the media. We have seen specifically the overapplication of the fake news label, and general wariness about certain established press outlets, and there is a special effect that hits them. Journalism itself has come under some pressure, and for this there are two ways out. They could continue operating and still be valued by a group of people, but discredited or devalued by others, but there is another possibility. UNESCO has highlighted the pressure on journalists around fake news.¹⁴ There is however another possibility, namely the suggestions by an LSE professor that fake news is the best thing to happen to the media industry.¹⁵ He reasons that this is the opportunity for bona fide news outlets to stand out and outperform. If researching, writing and fact-checking is done thoroughly, then this can separate the chaff from the wheat and let the right and well-intentioned news networks stand out whilst discovering those who either peddle fake news or do little to stop that. Another relevant network, the Ethical Journalism Network, suggests that there is indeed a way up, but the effect of fake news as a whole is an existential question for journalism. The nature of truth, what truth means to people, and the role in democratic societies was questioned, but there is a way to set up trusted news agencies and fulfil this role yet again.¹⁶

¹³ McGonagle, T. (2017). "Fake news": False fears or real concerns? *Netherlands Quarterly of Human Rights*, 35(4), 203-209. doi:10.1177/0924051917738685

¹⁴ UNESCO. (2019, January 8). *Journalism, 'Fake News' and Disinformation: A Handbook for Journalism Education and Training*. Retrieved from UNESCO: <https://en.unesco.org/fightfakenews>

¹⁵ Beckett, C. (2017, March 11). 'Fake news': the best thing that's happened to journalism. Retrieved from Polis: Journalism and society at LSE:

<https://blogs.lse.ac.uk/polis/2017/03/11/fake-news-the-best-thing-thats-happened-to-journalism/>

¹⁶ White, A. (2017). *Facebook and Matters of Fact in the Post-Truth Era*. Retrieved from Ethical Journalism Network:

<https://ethicaljournalismnetwork.org/resources/publications/ethics-in-the-news/fake-news>

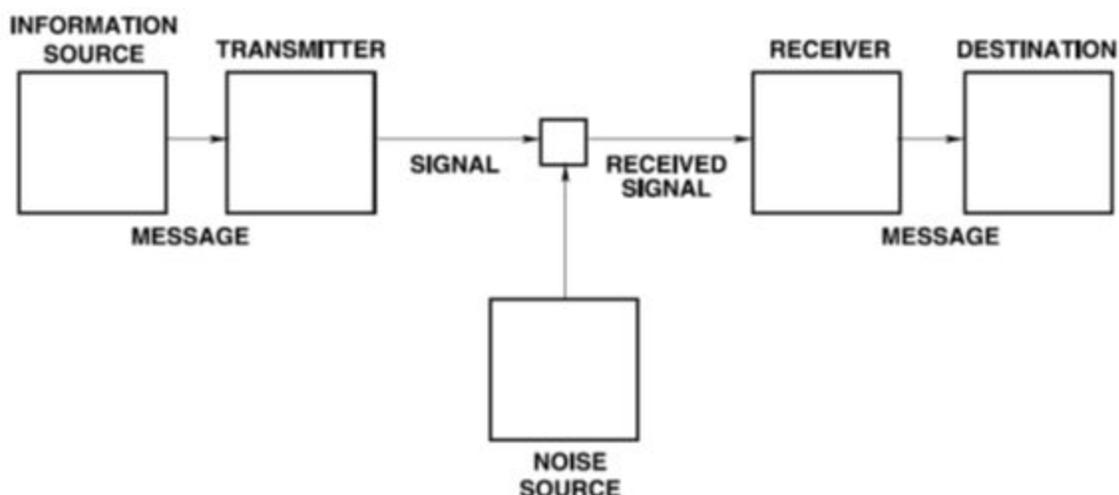
How does fake news spread?

Introduction

Spreading information is a process that deals with senders, receivers, and the various means and messages that they spread. This process needs to be understood to know where disinformation, also known as fake news, spreads. There are several important processes and factors to discuss with respect to how fake news spreads.

The process

Fake news first has to be created, and at that point it is at the source. Then it gets published in the initial forum where an audience has access to it, be it newspaper, online media, or social media. Following that people read it and spread the articles or the content. After this the physical articles and sources disappear, and the information gets into people's minds and enters their discussions and discourse. At every stage of the way there are factors that help fake news spread, and these should be analysed here. The factors that help it spread are also going to be the key to combatting fake news, as will be discussed later in this manual. Below is a picture of the communication model that helpfully visualizes it.¹⁷ In the case of fake news, the noise source may be an information source as well, or try and pass itself off as an information source. Equally, we are dealing with various online and social media channels as transmitters. In the discussion of mass information, we, of course, have many receivers initially and the signal may be passed on directly, be told on and accepted loose from the original source, or even inspire actions.



¹⁷ Kopp C, Korb KB, Mills BI (2018) Information-theoretic models of deception: Modelling cooperation and diffusion in populations exposed to "fake news" PLoS ONE 13(11): e0207383. <https://doi.org/10.1371/journal.pone.0207383>

Initial writing of fake news

The initial writing or making of fake news is where the story or image is crafted. At this stage it needs to identify a controversial topic where it will stoke, and find out how to pass itself off as a different source. Fake news is supposed to pass around the internet as if it were a different type of media. In this it will pass itself off as real news, or as opinion pieces, but in style, research has found, there is a distinct semblance to satire.¹⁸ A piece that is outright and clearly fake wouldn't be successful as fake news, but it takes being passed off as a different source, and relies on human psychology to be tricked into accepting it.

Media literacy

A large part in our vulnerability to fake news is how we read and receive information. The key is that we often consume media with insufficient criticism and skim headlines and main points without pausing long enough to read critically. There is a lot in our consumption of media, and in how we process information, that plays into the hands of fake news. Whereas real news informs and convinces with argumentation and facts, what gives apparent credibility to fake news is our heuristics of how we read it. We read over it quickly to gain the main points, and have automatic recognition patterns that either signal trust and make us accept the content, or raise flags and make us reject it. This means that on the basis of the form and minimal content we reject or accept an article, and fake news that mimics real news or satire can then slide in unnoticed.¹⁹ Research also suggests a cognitive angle to the effects of fake news and general misinformation, in that we may correct the misinformation, but the backlash of unconsciously having that information and using that information is harder to correct. Despite correcting the initial mistake in information an attitude change in entirety is harder to achieve and takes more cognitive power.²⁰ Here we see the power of words and of information, and the derailing effect disinformation can have.

Politically coloured news and echo chambers

News sources are becoming more fragmented by the style of news and of political colour. We have seen this historically with some editorial positions of major newspaper, but this is now expanding. With the source of journalism, the people also fragment and polarise, which leads to the worrying phenomena of echo chambers. The echo chamber is the situation where someone reads and hears their "own" source of information, and opinions influence information and

¹⁸ Horne, B., & Adali, S. (2017, March 28). *This Just In: Fake News Packs a Lot in Title, Uses Simpler, Repetitive Content in Text Body, More Similar to Satire than Real News*. Retrieved from Cornell University: <https://arxiv.org/abs/1703.09398>

¹⁹ Ibidem

²⁰ De Keersmaecker, J., & Roets, A. (2017, November). 'Fake news': Incorrect, but hard to correct. The role of cognitive ability on the impact of false information on social impressions. *Intelligence*, 65, 107-110. doi:10.1016/j.intell.2017.10.005

perceived honesty. Research suggests that more information might not help relieve this, but we're in a crude spiral where more information reinforces what we know and believe.²¹

Increasing use of online media

Online media can reach the same standards of journalistic quality, but here our audience's treatment of news and the speed and multiplicity of interactions enables fake news to spread. One posted online, there is an immediate and innumerable large audience. Should an article be false, it can be shared and commented and made very visible. This allows it to propagate really quickly. Inherent in online media is that we have more community than a few sources distributing to listeners, but in this community aspect where all can write and disseminate information to larger crowds, is a weakness in that the quality control and barriers for professionalism are also taken away.²² The power of networks, and the ease with which information can be spread anonymously, became very clear around the uncovering of the Russian Troll factory and its methods.²³

After an article has been posted in a first forum or website, an article of fake news taking off depends on it being spread further, reposted, retweeted, commented and liked. Here there are a few key distinctions to make. We should differentiate between what happens by bots and algorithms, or in other words impersonally and personally. Research conducted on the spreading of news online suggests the humans are more at fault and more involved in spreading falsity, than mechanisms and automatism.²⁴

²¹ Brlek, S., Zajc, J., & Mance, B. (2016). Connections Between Trust in Journalism and Patterns of Media Use. *Medijska Istraživanja = Media Research*, 22(1), 41-62.

²² Prior, M. (2007). *Post-Broadcast Democracy: How Media Choice Increases Inequality in Political Involvement and Polarizes Elections*. Cambridge: Cambridge University Press.

²³ MacFarquhar, N. (2018, February 18). *Inside the Russian Troll Factory: Zombies and a Breakneck Pace*. Retrieved from The New York Times: <https://www.nytimes.com/2018/02/18/world/europe/russia-troll-factory.html>

²⁴ Vosoughi, S., Roy, D., & Aral, S. (2018, March). The spread of true and false news online. *Science*, 359(6380), 1146-1151.

Countering Fake News – the review of initiatives

Introduction

Fake news has become an increasing problem for the functioning of democracies by affecting national and international security. An example of Russian interference in the outcome of the 2016 US presidential election, based on computational propaganda, has shown that a spread of misleading information may constitute an efficient tool for disinformation campaigns determining voters' choice and eventually resulting in the victory of particular candidates²⁵. Since then, researchers and policymakers worldwide have intensively worked to develop multidimensional strategies, including legislative and non-legislative measures. The initiatives in this field derive from various directions and are characterized by different extent. One can distinguish private and on the other hand public entities' initiatives, the same - state and supranational measures. Within legislative proposals some of them exemplify soft law, whereas there are also examples of hard law regulations. The aim of this chapter is to expose an extensive range of recently introduced initiatives countering fake news as well as to point out their prospective risks and flaws.

Legislative measures

The most common solution in the fight against misinformation at the national level remains enactment of proper legislation. The new laws that have been passed or are being proposed involve diverse approaches towards accountability and liability for the spread of fake news. Whereas some laws aim at creating special public entities which are expected to police the media environment and detect fake news themselves, others hold technology companies (inter alia Facebook, Twitter) accountable under penalty of law, and still others make individuals liable for the spread of fake news.

²⁵ Allcott H. and Gentzkow M., *Social Media and Fake News in the 2016 Election* (2017) 31(2) *Journal of Economic Perspectives* 211–236

Solution 1 : Creation of supervisory public body

An example of this approach is National Defense Authorization Act enacted by US Congress in 2017 which established legal framework for The Global Engagement Center. Its mission is to “lead, synchronize, and coordinate efforts of the Federal Government to recognize, understand, expose, and counter foreign state and non-state propaganda and disinformation efforts aimed at undermining United States national security interests”²⁶. The principal focus of the GEC is to counter the Islamic State of Iraq and the Levant’s (ISIL) as well as Russian Federation information warfare.

Counterparts of American GEC which also aim to counter disinformation campaigns were formed also e.g. in Indonesia (the Police Multimedia Bureau) and Czech Republic (the Centre against Terrorism and Hybrid Threats)²⁷.

Another, however different proposal of anti-fake news law based on public supervision was introduced in France on 20th November 2018. On the grounds of newly enacted regulation the authorities have the power to remove fake content spread via social media and even block the sites that publish it. According to its provisions a judge is authorized to act “proportionally” but “with any means” to halt the dissemination of misinformation before elections. For the judge to act, a specific request must be filed by political groups, public authorities or individuals. The judge “acts within a delay of 48 hours from the notification”. In addition, the law grants the Higher Audiovisual Council (CSA), French broadcasting regulator, new administrative and executive powers to ensure that platforms such as Facebook or YouTube publish regularly a report informing who has purchased sponsored content or campaign ads. The CSA is also empowered to “unilaterally” revoke the broadcast rights of TV and radio outlets operating on French territory who are found to work “under the control or influence of a foreign state” and “disseminate misinformation”²⁸.

²⁶ Global Engagement Center, US Department of State: Diplomacy in Action, <https://www.state.gov/bureaus-offices/under-secretary-for-public-diplomacy-and-public-affairs/global-engagement-center/>

²⁷ The Legal Framework to address “fake news”: possible policy actions at the EU level, In-Depth Analysis requested by the IMCO committee, [http://www.europarl.europa.eu/RegData/etudes/IDAN/2018/619013/IPOL_IDA\(2018\)619013_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2018/619013/IPOL_IDA(2018)619013_EN.pdf), 6.06.2019.

²⁸ LOI n° 2018-1202 du 22 décembre 2018 relative à la lutte contre la manipulation de l'information, <http://www.assemblee-nationale.fr/15/ta/ta0190.asp>, 5.06.2019.

Solution 1: Critics

The model of anti-fake news regulations based on state's supervision causes critical voices. Opponents accuse the laws of creating "Ministries of Truth"²⁹. There is a concern that new laws would be used for political purposes by the state's authorities. In addition, according to ADF International the spread and heavy usage in public policies of loose and overreaching concepts, such as 'hate speech', 'fake' or 'misleading news,' 'prejudiced narratives', 'disinformation' pose threat to freedom of expression³⁰. In the end, the criteria used by judges in their evaluation appear to be vague and subjective. Furthermore, the opponents remark removing fake news may give rise to the "Streisand effect"³¹, whereby deleting content increases audience attention on it.

Solution 2: Technology companies' liability

Some state interventions highlight a role of technology companies such as Facebook and impose responsibility for media environment on them. A good example of this is the German Network Enforcement Act which entered into force on 1st October 2017 and has been effective since January 2018[8]³². On the grounds of its provisions social media networks are required to submit public reports detailing how many posts were flagged and how many reports were removed. Failing to remove "obviously illegal" content within 24 hours upon receiving a complaint may lead to a fine of €5 - €50 million. For offensive online material that requires further assessment, the act compels companies to block the offending content within seven days. Illegal content includes hate speech, defamation and incitements to violence.

The technology companies are also main addressees of American Honest Ads Act which compels companies to disclose details such as advertising spending, targeting strategies, buyers, and funding. Twin provisions are contained in French, abovementioned anti-fake news law. The purpose of this kind of regulation is to improve transparency in online political advertising.

²⁹ Alemanno A., *Editorial: How to Counter Fake News? A Taxonomy of Anti-fake News Approaches* European Journal of Risk Regulation, 9 (2018), Cambridge University, p. 3.

³⁰ European Commission, Public consultation for legal entities on fake news and online disinformation, February 2018

<https://ec.europa.eu/digital-single-market/en/news/synopsis-report-public-consultation-fake-news-and-online-disinformation> 19.06.2019

³¹ Hacıyakupoglu G., Yang Hui J., Suguna V. S, Leong D. Faizal Bin Abdul Rahman M., *Countering Fake News A Survey Of Recent Global Initiatives*, Policy Report, 2018, p. 13.

³² Niklewicz K, *Weeding Out Fake News: An Approach to Social Media Regulation*, Brussels, Wilfried Centre for European Studies, 2017, p.29

Solution 2: Critics

In spite of a prompt reaction of social media networks (e.g. Facebook Germany) which increased the number of staff working on detection and removal of misinformation, as well as entered into cooperation with fact-check organizations, the laws are not deprived of flaws and risks. The UN's Special Rapporteur on Freedom of Expression predicted and warned German authorities against potential consequences of the new law. He noticed that in order to avoid fines and bad public branding the platforms such as Facebook will probably take posts down without deeper analysis, just after receipt of one complaint. According to him the result is likely to be greater censorship³³.

Solution 3: Individuals' liability

The most criticized and seen as too far-reaching are legislation proposals which recommend penalties for individuals found responsible for disseminating false information. Regardless of fine the bills usually stipulates imprisonment for the guilty.

A good example of this approach is the Philippines. In February 2018, the chair of the Senate's Committee on Public Information and Mass Media filed a bill that would impose on the guilty of creating or distributing fake news a fine ranging from P100,000 (US\$1,950) to P5 million (US\$97,587), and one to five years of imprisonment. The penalty would be doubled if the offender turns out to be a public official ³⁴.^[10] However, the measure was challenged as unconstitutional and has not entered into force.

Nevertheless, there are countries where similar solutions still exist or have been recently introduced. For instance, The Protection from Online Falsehoods and Manipulation bill was passed by Singaporean lawmakers on 7th May 2019. It bans the spread of what the government decides are false statements against the public interest. A person found guilty could be fined heavily and alternatively or additionally jailed for up to 5 years. Another provision bans the use of fake accounts or bots to spread fake news - this carries penalties of up to S\$1m (£563,000, \$733,700) and imprisonment up to 10 years³⁵.

³³ OHCHR Comments on legislation and policy, 1 June 2017 - Social Networks bill (Netzdurchführungsgesetz) - DEU 1/2017,

<https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/LegislationAndPolicy.aspx>, 25.05.2019.

³⁴ Hacıyakupoglu G., Yang Hui J., Suguna V. S, Leong D. Faizal Bin Abdul Rahman M., op.cit., p. 9.

³⁵ Singapore Statutes Online, *Protection from Online Falsehoods and Manipulation Bill Bill No. 10/2019*, <https://sso.agc.gov.sg/Bills-Supp/10-2019/Published/20190401?DocDate=20190401>, 10.05.2019.

Solution 3: Critics

The fake news law imposing heavy penalties on individuals has attracted increasing criticism, with many saying it threatens freedom of expression. One main criticism is that the laws are phrased too broadly and give governments too much power to decide what is true or false. The International Commission of Jurists has said the Singaporean bill "does not provide any real definition of 'false statement of fact' and does not clarify what constitutes 'public interest'".³⁶ Phil Robertson, deputy Asia director at Human Rights Watch added that the new law is a "disaster for online expression by ordinary Singaporeans, and a hammer blow against the independence of many online news portals".³⁷

Non-legislative measures

At present, it is too early to evaluate profoundly the impact of anti-fake news legislation. However, researchers and policymakers agree that due to diversity of challenges arising from mis- and disinformation phenomenon legal approach should be complemented by non-legislative measures. Not only do nation states introduce this kind of means, but also supranational entities (such as EU) and private sector (e.g. social media platforms) show initiative.

Solutions at national level

One of the most frequently implemented non-legislative solutions are fact-checking and counter fake news websites. A good example is Malaysia, which introduced an information verification website (sebenarnya.my) to counter fake news. At the same time Qatar launched the "Lift the Blockade" website to fight disinformation campaigns. In Europe, Italy is an example of state which government has created an online portal where people can report hoaxes (subpage of official police website).³⁸[14]

Non-legislative measures may also include media literacy initiatives. Countries such as Czech Republic, Italy and Sweden are introducing school curricula that teach children to discern between false and credible information.³⁹ In response to growing concerns and tensions related to misinformation, in February 2019, the Dutch government launched a public awareness campaign aimed at informing people about the spread of misinformation online. The

³⁶ [1] BBC News, *Singapore fake news law polices chats and online platforms*, <https://www.bbc.com/news/world-asia-48196985>, 10.05.2019

³⁷ The Guardian, *Singapore fake news law a 'disaster' for freedom of speech, says rights group*, <https://www.theguardian.com/world/2019/may/09/singapore-fake-news-law-a-disaster-for-freedom-of-speech-says-rights-group>, 10.05.2019.

³⁸ Hacıyakupoglu G., Yang Hui J., Suguna V. S, Leong D. Faizal Bin Abdul Rahman M., op.cit., p.12.

³⁹ Niklewicz K., op.cit., p. 49.

campaign is spread on social media and will last up to the European Parliament elections on May 2019.⁴⁰

Governments are also supporting financially research on using artificial intelligence (AI) and machine learning to counter fake news. The US National Science Foundation has supported projects such as ClaimBuster, which uses natural language processing techniques to spot factual claims within texts.⁴¹ I was used to check facts during the 2016 US presidential elections.

Solutions at the EU level

As it was pointed out in the Policy Department A's report recently requested by the European Parliament's Committee on the Internal Market and Consumer Protection, the European Union in search of balance between freedom of expression and the right to be properly informed developed multi-dimensional anti fake news strategy, aiming at:

- a promotion of responsible behaviour in conveying information to end users;
- an enactment of a proactive media policy focused on promoting pluralism and improving the exposure of diverse content to end users;
- an empowerment of end users through media literacy initiatives, and supports to user behaviour.

The European Council first recognized the threat of online disinformation campaigns in 2015 when it asked the High Representative to address the disinformation campaigns by Russia.⁴² The East Strategic Communication Task Force has been set up to address and raise awareness of this issue. Among other actions, it created a website called *EU vs Disinfo* which aims to better forecast, address and respond to pro-Kremlin disinformation. The EU vs Disinfo also has a database of over 5,450 disinformation cases since September 2015, which is publicly accessible and updated weekly.⁴³

Within time, the European Commission has adopted initiatives in all of these areas: include forming the High Level Group on Fake News and Online Disinformation; a Public Consultation on fake news and online disinformation; and the Communication on "Tackling online disinformation". The latter was a response to the final report of the High Level Group on Fake

⁴⁰ Information on Dutch anti-fake news campaign, <https://nltimes.nl/2018/12/13/dutch-government-launch-anti-fake-news-campaign>, 10.05.2019.

⁴¹ Marsden C., Meyer T., *How can the law regulate removal of fake news?*, 2019, Retrieved from: *Tech Law for Everyone*' website <https://www.scl.org/articles/10425-how-can-the-law-regulate-removal-of-fake-news>, 19.06.2019.

⁴² European Commission, Final report of the High Level Expert Group on Fake News and Online Disinformation, <https://ec.europa.eu/digitalsingle-market/en/news/final-report-high-level-expert-group-fake-news-andonline-disinformation>, 18.06.2019.

⁴³ EU vs Disinfo <https://euvsdisinfo.eu/>, 10.05.2019.

News and Online Disinformation launched in March 2018, which proposes a two-step approach starting with endorsed self-regulatory measures and parallel initiatives to strengthen media and information literacy, and a subsequent evaluation in spring 2019 to assess the need to move towards co-regulation or competition measures.⁴⁴

On the basis of the report, the Communication announced the creation of a multi-stakeholder forum, a study to examine the applicability of EU rules and possible gaps, the creation of an independent European network of fact-checkers, the launch of a secure European online platform on disinformation, and the promotion of voluntary online systems allowing the identification of suppliers of information based on trustworthy electronic identification and authentication means.

In December 2018, High Representative of the Union For European Foreign Affairs published *Action Plan against Disinformation*⁴⁵ which comprises of a list of concrete initiatives planned from the beginning of 2019 as well as evaluation of actions took in 2018. The Code of Practice on Disinformation published on 26 September 2018 is seen as the biggest success of past year's anti-fake policy. The main online platforms which signed the Code of Practice committed to specific actions to be carried out before the 2019 European Parliament elections. In particular, they should immediately ensure scrutiny of ad placement and transparency of political advertising, based on effective due diligence checks of the identity of the sponsors, close down fake accounts active on their services and identify automated bots and label them accordingly. In addition, the Code of Practice stipulates that the signatories will provide a full report after twelve months.

The initiatives envisaged in Plan of Actions for 2019 and following years include:

- doubling of the budget for strategic communication in order to strengthen the Strategic Communication Task Forces and Union Delegations through additional staff and new tools which are necessary to detect, analyse and expose disinformation activities
- setting up a Rapid Alert System (already opened in March 2019) to provide alerts on disinformation campaigns in real-time through a dedicated technological infrastructure working closely with existing networks, the European Parliament as well as the North Atlantic Treaty Organisation and G7's Rapid Response Mechanism.
- organisation of targeted campaigns for the public and trainings for media and public opinion shapers in the Union and its neighborhood to raise awareness of the negative effects of

⁴⁴ High Level Expert Group on Fake News and Online Disinformation (2018) Report to the European Commission on A Multi-Dimensional Approach to Disinformation, <https://ec.europa.eu/digital-single-market/en/news/final-report-high-level-expert-group-fake-news-and-online-disinformation>, 10.05.2019

⁴⁵ High Representative of the Union For Foreign Affairs And Security Policy (2018) Action Plan against Disinformation https://eeas.europa.eu/sites/eeas/files/action_plan_against_disinformation.pdf, 11.05.2019

disinformation by the Commission and the High Representative in cooperation with the Member States.

Private entities' initiatives

Apart from public entities, it is more and more highlighted that an effective fight against spread of fake news is only possible with an active approach of private sector, especially social media platforms. Increasingly, public initiatives such as EU's Code of Practice⁴⁶ indirectly force the companies to cooperate and take responsibility for illegal content published in social media.

However, apart from that, the technology companies take independent actions too. Both Facebook and Twitter have publicly acknowledged that their platforms are a place for authentic dialogue, which is why they require people to use the names they are known by and monitor and remove inauthentic accounts. Facebook's Community Standards state that content could be removed, audiences restricted and accounts disabled where content presents a genuine risk of physical harm or a direct threat to public safety, certain kinds of sensitive content and content containing the personal information of others without their consent. Other online social media have similar policies that regulates its users' content: Twitter has Twitter Rules, YouTube and Google has User Content and Conduct Policy.

Moreover, some additional tools have been recently introduced. For example, Facebook is offering a tool called "Related Articles" directly beneath the disputed story. Thanks to the new instrument Facebook users have easier access to additional perspectives and information, including articles by third-party fact checkers. Academic research suggests that this approach could make a real difference in readers' perceptions, who are finally equipped with a simultaneous access to the articles and papers on the same topic, written from diverse angles.⁴⁷ Another transparency tool proposes Twitter which users are able to see details such as the types of ads targeted, ad duration, ad spend, the identity of organisations, and the demographics targeted by the ads.⁴⁸

⁴⁶ EU Code of Practice on Disinformation (2018)

<https://ec.europa.eu/digital-single-market/en/news/code-practice-disinformation>, 10.05.2019.

⁴⁷ Alemanno A., op.cit., p.5.

⁴⁸ Hacıyakupoglu G., Yang Hui J., Suguna V. S, Leong D. Faizal Bin Abdul Rahman M., op.cit., p. 6.

Can tackling fake news go too far?

Fake news items and false information pose serious threats to the functioning of democracies around the world. Governments should design means to allow citizens to discover the truth and mechanisms that will guard against malicious news and sources of information. But striking a balance between public security and civil liberties is hard. Germany adopted legislation obliging social media companies (Facebook, Twitter, Google, etc.) to pay fines up to EUR 50 million if illegal content is not deleted from their digital platforms within 24 hours.⁴⁹ In November 2018, French parliament adopted the law proposed by President Macron which allows judges to order the immediate removal of fake news in the election seasons.⁵⁰ In December 2016, EU Commissioner for Justice Vera Jourova stated that “social media companies need to live up to their important role and take up their share of responsibility when it comes to phenomena like online radicalization, illegal hate speech or fake news.”⁵¹

These examples do not relate only to European Union. Countries all over the world are rushing to fight fake news. In May 2019 Singapore has passed an anti-fake news law that gives authorities sweeping powers to police online platforms and even private chat groups. The censorship of private chat groups is the most controversial aspect the fake news law. Thus, citizens’ privacy risks to be diminished even in private conversations.

No newspaper can publish news without some mistakes or errors. All human journalists are prone to make a few during their reporting. But the need to inform society about serious issues and in a timely manner, outweigh the requirement of having error free articles. The freedom of being wrong ensures that journalists will continue to write about sensible stories, for which sometimes, exact facts are just too difficult to be collected in a short period of time.

Could such strict legislation to fight fake news jeopardize democracy, censor the press and challenge the freedom of being wrong?

Fake news is not a phenomenon born in the digital age

One of the reasons why some of the above mentioned policies have been adopted is the fast speed of dissemination and the ease of convincing people of truthfulness and authenticity of such news. It seems that people are more prone to believe what they read online than what they see on TV. On one hand it does make sense, as people are used to the TV and have learned to be somewhat sceptical about what they hear, while the digital age is still rather new. And as of lately, we are witnessing an increased capacity of fake news to reach millions of homes in matter of minutes and to influence the outcomes elections. The digital age and the advance of

⁴⁹ [1] O'Donnell, Katy, et al. “Germany's New Online Hate Speech Code Pushes Big Fines and Debate.”

⁵⁰ [1] Fiorentino, Michael-Ross. “France Passes Controversial 'Fake News' Law.”

⁵¹ [1] “EU Criticises Tech Firms for Slow Action on Hate Speech.” *BBC News*

the social media provided a rather hospitable environment for lies and misinformation, but it did not create the phenomenon of fake news. For example, England allowed only a limited number of printing presses and books were licensed.⁵² The ruling elites were very interested in guarding the official version of the “truth.” The struggle with fake news is not specific to today’s generation, information has always been a rather contested feature of humanity’s history, especially at times of great political and social changes and transformations. Thus, history should serve as an important source of inspiration in better understanding the consequences of measures taken to fight against fake news.⁵³

The case of Thomas Jefferson

From 1785 to 1789, Thomas Jefferson was the United States Ambassador to France. During this time, the US Congress debated and approved the Alien and Sedition Act which included a penalty of up to 2 years of imprisonment for publishing “false, scandalous and malicious writings.” In a personal letter addressed to a friend, Jefferson wrote: “were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.”⁵⁴ The man was a true believer in freedom of speech, freedom of thought and freedom of media.

In 1803, when Jefferson was already the President of the United States of America, his views regarding the freedom of the press started to change. Being constantly attacked by the newspapers, Jefferson stated: “I have therefore long thought that a few prosecutions of the most eminent offenders would have a wholesome effect in restoring the integrity of the press.”⁵⁵ In his pursuit of the noble goal to restore the integrity of the press, the same very man that preferred newspapers with no government, was willing to punish journalists for their articles and critical opinions expressed towards the President and the White House. Jefferson continued to grow critical of the press and towards the end of his presidency he delivered a condemning verdict: “Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle.”⁵⁶

The case of Thomas Jefferson underlines the different viewpoints that the same human being can have when in different positions of power and the dangers of putting politicians to decide which version of truth should their citizens read and hear. Jefferson’s desire to use law against opinions which he disagreed with should alert us about the inherent tendency of the human nature to believe that positions of power rest on a foundation of truth and legitimacy.

⁵² “Nipps, Karen. “Cum Privilegio: Licensing of the Press Act of 1662.”

⁵³ “Mchangama, Jacob. “Fake News Is Old News.”

⁵⁴ “Online Library of Liberty.” *Jefferson's Preference for "Newspapers without Government"*

⁵⁵ “Founders Online: From Thomas Jefferson to Thomas McKean, 19 February 1803.”

⁵⁶ *Amendment I (Speech and Press): Thomas Jefferson to John Norvell*

The freedom of being wrong

To some degree, it is somewhat ironic that the West, which has its roots in the Enlightenment and is one of the freest places in the world, has such a strong impulse to tell people what they can and cannot say or what they can and cannot read. Sometimes citizens, representatives of the civil society and the media will be wrong, but it does not mean that severe measures of punishment should be used to penalize them. The severe punishment of these errors would suppress the only safeguard of the public liberty. Freedom of being wrong is the one thing that should be protected because it is a vital ingredient of western democracies. Otherwise, who establishes limits? Who monitors that these limits do not go too far?

The most effective answer to fake news is accurate news

The Revolutionary France had the death penalty for spreading false news. England had severe limits for printing presses. These policies were implemented in order to guard the truth and assure the integrity of the written materials. But judging these policies from today's perspective, there is no doubt that they will find very little support amongst policymakers or society. And if the policies of the past seem to be too strange or too harsh in solving the same problem, then why do we advocate so easily for large fines or even worse for jail time?

Fake news items and false information pose serious threats to the functioning of democracies around the world, but some of the actions of various governments to counter fake news challenges are harmful to press freedom. By applying a strict legislation in these digital age, Governments risk to stifle free speech and increase censorship. Before implementing any measure to fight fake news, policymakers should fully understand their consequences and look back on history, as it has valuable lessons. Some of the policymakers and young people that advocate for aggressive fighting against fake news never lived in a country whose government censored truth, media or literature. And when one lives only in a period of liberty and peace it is easy to forget the fact that previous generations did not enjoy so much freedom of speech and expression. But even if today's policy initiatives are less extreme than censorship of the past, they still threaten the very important freedom of being wrong.

The governments should not be quick to punish harshly people who are wrong. Large fines and jail time as policy options for fighting fake news must be thoroughly analysed and their consequences fully understood before being implemented. And the society should never forget about the dangers of allowing politicians to decide which version of truth their citizens are allowed to hear.

The most effective answer to fake news is accurate news and increased education and awareness of the citizens regarding the concept of fake news. Tougher counter-arguments are a much better response to fake news than prosecution or big fines. It is easier to put a pair of handcuffs and much harder to argue back with facts and arguments. But it is the latter that truly convinces people.

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AND YOU WILL KNOW THE TRUTH, AND
THE TRUTH WILL MAKE YOU FREE.
JOHN 8:32



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